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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,808	04/07/2000	Muhammed Ibrahim Sezan	KRL:7146.066	1597
47915	7590	07/01/2005	EXAMINER	
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP 1600 ODS TOWER 601 SW SECOND AVENUE PORTLAND, OR 97204			LAMBRECHT, CHRISTOPHER M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,808	SEZAN ET AL.	
	Examiner	Art Unit	
	Christopher M. Lambrecht	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11 March 2005 have been fully considered but they are not persuasive.

In particular, Applicant submits

- (a) regarding claims 1-5, the combination of Abecassis and Goldhaber is improper because Abecassis discloses no need for the public availability of a user's password or any of a user's preferences (Applicant's remarks, p. 2, ¶3);
- (b) nothing in Goldhaber suggests any desirability in making personal content preferences publicly available absent a "push"-type content delivery system (Applicant's remarks, p. 3, ¶1); and
- (d) in view of the above remarks, the rejections of claims 1-5 should be withdrawn.

In response to (a), Examiner submits that neither claim 1 nor the combination of Abecassis and Goldhaber as set forth in the rejection of claim 1 in any way require or suggest the making a user's *password* publicly available. The cited portions of Abecassis relating to a user's password evidence the fact that the disclosure of Abecassis contemplates generally the protection of a user's viewing preferences. Regarding Applicants assertion that Abecassis fails to disclose the need for the public availability of a user's viewing preferences, Examiner respectfully disagrees. Abecassis specifically discloses the reporting of a user's content viewing preferences for the purpose of creating personalized advertisements to be delivered to the user (see abstract; see also col. 44, l. 45 - col. 45, l. 61). Furthermore, Abecassis also discloses providing incentives to a user for disclosing personal information to a retailer (col. 47, ll. 63-67). Accordingly, Examiner submits that Abecassis explicitly teaches a need for the public availability of a user's preferences.

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In response to (b), Applicant's argument is predicated on the assertion that there is no need for advertisers or other content providers to select the content being delivered to an individual user. Examiner submits that in view of the above remarks, the Abecassis reference clearly establishes this need.

In response to (c), Examiner submits all issues raised by applicant regarding the rejections of claims 1-5 have been alleviated. Accordingly, the rejections of claims 1-5 are maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US006553178B2) in view of Goldhaber (Goldhaber et al., US005794210A).

With regard to claim 1, Abecassis discloses a method of using a system with a video comprising a plurality of frames comprising the steps of: providing a usage preferences description (viewer's content preferences), describing preferences of a user with respect to the use of said video (col. 15, ll. 61-63), where said description includes multiple preferences (col. 16, ll. 6-8); and providing a protection attribute with respect to at least one of said preferences (password protection of viewer's content preferences screen, col. 16, ll. 34-36 and col. 17, ll. 46-49).

Though Abecassis does disclose providing a protection attribute with respect to at least one of said preferences, he fails to disclose the protection attribute indicates whether said one of said preferences is public or private.

In an analogous art, Goldhaber discloses a protection attribute indicating whether preferences (profiles, col. 13, ll. 33-55) are public or private (i.e., user can specify whether to make their profile

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available to advertisers, or to hide it from advertisers, col. 14, ll. 4-10), for the purpose of allowing the user to control access to personal information (col. 17, ll. 21-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the method of Abecassis providing a protection attribute indicating whether preferences are public or private, as taught by Goldhaber, for the purpose of allowing the user to control access to personal information in a method of using a video distribution system.

As for claim 2, Abecassis and Goldhaber together disclose the method of claim 1, wherein said at least one of said audio, image, and video is video (Abecassis, col. 15, ll. 59-61).

As for claim 3, Abecassis and Goldhaber together disclose the method of claim 2 further comprising the step of limiting access to preferences associated with said protection attribute based upon said protection attribute (i.e., profile is either hidden or made available to advertisers based upon specification of the user; Goldhaber, col. 13, ll. 34-40).

As for claim 4, Abecassis and Goldhaber together disclose the method of claim 3, wherein said access is limited to a remotely located service provider (Goldhaber, attention broker computer 106, fig. 1, col. 14, ll. 29-35) of said video (where Goldhaber discloses the attention broker computer provides advertisements to the consumer, col. 15, ll. 64-66, and Abecassis discloses said video comprises advertisements, col. 44, ll. 46-57).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis and Goldhaber as applied to claim 1 above, and further in view of Oliver (Oliver et al., US 20020133412A1).

With regard to claim 5, Abecassis and Goldhaber together disclose the method according to claim 1, wherein said protection attribute is binary (i.e., the customer's profile can be designated as available to advertisers or not, Goldhaber, col. 13, ll. 34-37). However they fail to disclose the protection attribute is a binary value.

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In an analogous art, Oliver discloses a protection attribute (privacy flag) implemented as a binary value (on/off flag, pg. 12, ¶0293), for the purpose of enabling user preference settings to be combined as a single numeric identifier (¶0293, ll. 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the method of Abecassis and Goldhaber said protection attribute is a binary value, as taught by Oliver, for the purpose of enabling user preference settings to be combined as a single numeric identifier, in method of using a video distribution system.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML



Christopher M. Lambrecht's handwritten signature is written over two lines. The first line starts with "Christopher" and ends with "Lambrecht". The second line starts with "Examiner".

HAITRAN
PRIMARY EXAMINER